

## **Remarks**

Claims 25-60, 82-86, 92-94 and 100-102 were pending prior to this Office Action. Claims 25, 27, 44, 46, 92 and 102 are currently being amended. Claims 41, 58 and 101 are currently being canceled without prejudice or disclaimer of the inventions therein. Claims 25-40, 42-57, 59-60, 82-86, 92-94, 100 and 102 remain pending.

### **1. Abstract**

The Abstract has been amended per the Examiner's request.

### **2. Rejections under 35 USC 112**

Claims 27 and 46 were rejected under 35 USC 112 first paragraph for allegedly failing to comply with the written description requirement. Applicants do not necessarily agree with this rejection. However, to expedite issuance of this case, Applicants have amended these claims to state that it is the cross section that is triangle shaped. Accordingly, Applicants respectfully request that this rejection be withdrawn.

### **3. Double Patenting/Terminal Disclaimer**

Claims 25-27, 32, 36-39, 41-46, 51, 55-56, 58-60, 82, 86-87, 92-94 and 100-102 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3-4, 6-10, 13-16, 22-26 and 36-37 of U.S. Patent No. 6,544,485. Applicants do not necessarily agree with this rejection. However, at the point when all the other rejections are withdrawn, Applicants will consider filing a terminal disclaimer to expedite issuance of a patent.

### **4. Rejections under 35 USC 102(e)**

Claims 25-33, 36-38, 41-52, 54-55, 58-60, 82-84, 86-87 and 101-102 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Patent No. 5,975,090 to Taylor et al.

The present application claims priority back to U.S. Patent No. 6,176,977, which was filed November 5, 1998. Further, the present application names Charles E. Taylor and Shek Fai Lau as the inventors.

U.S. Patent No. 5,975,090, which was filed September 29, 1998 (and issued November 2, 1999) also names Charles E. Taylor and Shek Fai Lau as the inventors.

In order for a rejection under 35 USC 102(e) to be proper, the invention must have been "described in (1) an application ... by another .... or (2) a patent ... by another." Since the inventors of the present application and U.S. Patent No. 5,975,090 are the same, there is no "another", and thus, the 35 USC 102(e) rejection was improper. Applicants further point out that U.S. Patent No. 5,975,090 is also **not** 102(b) prior art. Accordingly, Applicants respectfully request that this rejection be withdrawn.

**5. Rejections under 35 USC 103(a) based on Taylor**

Claims 35, 39, 54 and 92 were rejected under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 5,975,090 to Taylor. For the reasons discussed in Section 4 above, U.S. Patent No. 5,975,090 to Taylor et al. is not a proper reference to use for a rejection under 35 USC 103(a). Accordingly, Applicants respectfully request that this rejection also be withdrawn.

**6. Rejection under 35 USC 103(a) based on Kawashima in view of Fritzius**

Claims 25-33, 35-37, 39, 41-52, 54-56, 58-59, 82-87, 93-94 and 100-102 were rejected under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 4,516,991 to Kawashima in view of U.S. Patent No. 3,638,058 to Fritzius.

Applicants believe that the claims as amended distinguish from Fritzius. More specifically, independent claim 25 has been amended to state that "each said ring electrode includes a flat surface and a convex curved surface that generally face a closest said pin electrode, said convex curved surface surrounding said opening in said ring electrode, and said flat surface surrounding said convex curved surface, such that said convex curved surface curves from said flat surface to said opening." The remaining independent claims 44, 92 and 102 have been amended in a similar manner. Fritzius clearly does not teach or suggest these claimed features. Accordingly, Applicants respectfully request that this rejection also be withdrawn.

**7. Conclusion**

In light of the above, it is respectfully requested that all outstanding rejections and objections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment for any matter in connection with this response, including any fee for extension of time, in the Fee Transmittal submitted herewith.

Respectfully submitted,

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